

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MARY SAL RODRIGUEZ,

Plaintiff,

v.

Case No: 2:20-cv-474-SPC-NPM

WALMART STORES EAST,
L.P.,

Defendant.

_____ /

ORDER¹

Before the Court is the briefing on Defendant's Motion for Summary Judgment ([Docs. 17; 20; 21](#)). From the papers, it is clear Plaintiff intends to rely on her treating physician (Dr. Robert Getter) as a nonretained (hybrid) expert witness to establish medical causation—an element of her claim. On this record, it is unclear the extent to which Plaintiff disclosed Getter or his expected testimony. Defendant provided Plaintiff's Rule 26(a)(1) disclosures, which identify the practice group Getter works for. ([Doc. 17-9 at 2](#)). Yet it is unsettled whether that was the only disclosure of Getter. If so, the parties should address what affect (if any) that has on Plaintiff's use of Getter as a

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

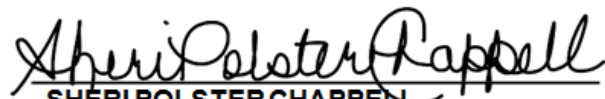
witness. If Plaintiff made other disclosures of Getter, the parties should address them.

Accordingly, it is now

ORDERED:

Defendant must **FILE** a supplemental brief, not to exceed **five (5) pages** on or before **September 15, 2021**, addressing the issues identified above. In response, Plaintiff must **FILE** a supplemental brief, not to exceed **five (5) pages** on or before **September 20, 2021**, addressing the issues identified above.

DONE and **ORDERED** in Fort Myers, Florida on September 10, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record